

## REMARKS

The following issues are outstanding in the present application:

- Claims 1-8, 14-16, and 18-20 have been rejected under 35 U.S.C. § 102(b);
- Claims 17 and 21 have been rejected under 37 U.S.C. § 103(a); and
- Claim 13 has been rejected under 35 U.S.C. § 103(a).

### 35 U.S.C. §102(b)

Claims 1-8, 14-16 and 18-20 have been rejected under 35 U.S.C. § 102(b) as having subject matter anticipated by Document D of the Information Disclosure Statement filed July 7, 2000. Claims 1-6 have been rejected under 35 U.S.C. § 102(b) as having subject matter anticipated by Document I and public use or sale. Claims 7, 8 and 14 have been rejected under 35 U.S.C. § 102(b) as having subject matter anticipated by Document B of the Information Disclosure Statement filed July 7, 2000 and claims 7 and 14 have been rejected under 35 U.S.C. §102(b) as having subject matter anticipated by Document A of the Information Disclosure Statement filed July 7, 2000. Applicant respectfully traverses these rejections.

Independent claims 7 and 15 have been amended to add the limitation of the securing mechanism extending between the upper surface of the top plate and the opening of the bottom plate for clamping the top and bottom plate together “from a position on the top surface of the grading sheet” in order to secure the grading sheet to the structural members so as to prevent displacement of the grading sheet from the structural members by extreme wave action. Claim 18 as filed includes the limitation of attaching the top and bottom plates together “from a top surface of the platform” in order to secure the grating sheets to the structural members in a wave zone area of the platform.

Claims 1-6 have been cancelled, thus making the § 102(b) rejection of these claims moot. With respect to claims 7, 8, 14, 18 and 20, the Examiner stated that in Document D, details of the "Stair Tread" and the "G-Clip" and the "F[J]-Clip" meet the limitation of these claims as the G-Clip is considered to be a type of nut. The G-Clip and J-Clip are described in the specification of the subject application as prior art disclosed in U.S. Patent No. 5, 118,147. These clips are used to secure fiberglass grading on top of the structural support pipe members of an offshore platform and are not capable of securing the grading in an offshore platform environment that is subject to severe wave action. As described in the specification, the circular motion of the waves that constantly wash through the grading, subject it to multidirectional forces that eventually displace the grading from the clips and wash the grading out. The subject invention is an improvement over these prior art clips.

As described in the '147 patent, the G-Clips and J-Clips are attached from the underside of the grading sheet and as such they are not capable of securing the top and bottom plates together from a position on a top surface of the grading sheet or platform. Regarding the "Stair Tread" detail, for safety reasons, the bolt can only be secured by the nuts from underneath the stair tread and getting under each stair tread to secure the nuts to the bolt is not a problem as each stair tread has a small surface of grating sheet compared to the grating sheets used for large area walkways. Thus, there is no need to secure a top and bottom plate together through a grading sheet from a position on a top surface of the grading sheet on stair treads. Regarding the other L-shaped connectors and plate-type connectors disclosed in Document D, none of the L-shaped and plate-type connectors disclose a securing mechanism extending between the upper surface of the top plate and the opening of the bottom plate for clamping the top and bottom plate together "from a position on the top surface of the grading sheet" in order to secure the grading sheet to the structural members so as to prevent displacement of the grading sheet from the structural members by extreme wave

action. The purpose of the subject invention is to provide a mechanism for attaching the fiberglass grading sheets to the support members from the top of the grading sheet or platform in order to prevent a worker from having to get underneath the support members of the walkway during installation or repair of the grating sheets of the platform walkways.

Claims 7, 14 and 18 were rejected as being anticipated by Document B which shows an enlarged version of the section titled "Typical Attachment G Clip at Tubular Supp't." of Document D. The discussion above relating to the clips of the Document D apply to the identical clips disclosed in Document B.

Claims 7 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Document A that teaches top and bottom plates having a securing mechanism. However, the securing mechanism disclosed in Document A can only be secured from the underside of the grading sheets. This is substantially different from the claim limitations of amended independent claim 7 which recite a securing mechanism for securing the top and bottom plate between the grading sheet from a position on a top surface of the grading sheet. Claim 14 depends at least in part from independent claim 7. Since the reference fails to teach or suggest each and every limitation of independent claim 7, Applicant respectfully asserts that dependant claim 14 can therefore not sustain a rejection under 35 U.S.C. § 102(b).

Applicant respectfully submits that all of the cited references fail to teach or suggest each and every limitation of the presently amended claims 7 and 15 and pending claim 18 and therefore cannot sustain a rejection under 35 U.S.C. § 102(b). As discussed above, none of these references disclose a securing mechanism extending between the upper surface of the top plate and the opening of the bottom plate for clamping the top and bottom plate together from a position on a top surface of the grading sheet or platform in order to secure the grading sheet to the structural members so as to prevent displacement of the grading sheet

from the structural members by extreme wave action that is able to withstand the forces of waves in a wave-zone portion of an offshore platform area. A claim is anticipated only if each and every element as set forth in the claim, is found either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987).

Regarding the dependent claims 8, 14, 16, 19 and 20, all of these claims depend either directly or indirectly from independent claims 7, 15 or 18. Since the cited references fail to teach or suggest each and every limitation of the independent claims, Applicant respectfully asserts that the dependant claims can therefore not sustain a rejection under 35 U.S.C. § 102(b). Accordingly, Applicant respectfully submits reconsideration and withdrawal of the outstanding rejection of claims 1-8, 14-16 and 18-20 under 35 U.S.C. §102(b) as being anticipated by Documents A, B and D of the Information Disclosure Statement filed July 7, 2000.

#### 35 U.S.C. §103

Claims 17 and 21 have been rejected under 35 U.S.C. §103(a) as having subject matter unpatentable over Document D. Applicant respectfully traverses.

Applicant submits that the previous discussion of the patentability of the current invention obviates the rejection of these dependent claims. To establish a *prima facie* case of obviousness the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (CCPA 1974). Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103(a) then any claim depending therefrom is by definition non-obvious. *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988), Applicant respectfully submits that claims 17 and 21 depend at least in part from either independent claim 15 or 18. Accordingly, Applicant

respectfully submits reconsideration and withdrawal of the outstanding rejection of claims 17 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Document D.

Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Documents A, B, D or I. Applicant respectfully traverses this rejection.

Applicant submits that the previous discussion of the patentability of the current invention obviates the rejection of this dependent claim. To establish a *prima facie* case of obviousness the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (CCPA 1974). Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103(a) then any claim depending therefrom is by definition non-obvious. *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988), Applicant respectfully submits that claim 13 depends at least in part from independent claim 1. Accordingly, Applicant respectfully submits reconsideration and withdrawal of the outstanding rejection of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Documents A, B, D or I.

### CONCLUSION

Applicant respectfully submits that this application is now in condition for allowance. In the event that minor claim amendments are necessary to meet formal requirements, Applicant invites the Examiner to telephone the undersigned so that appropriate amendments can be made.

Respectfully Submitted,

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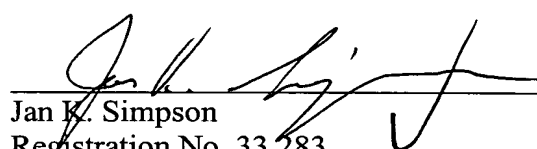
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